

DOWD, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

J & G Investments LLC, et al.,)
Plaintiffs,) CASE NO. 5:06 CV 2461
v.)
Fineline Properties, Inc., et al.,)
Defendants)
)

For the reasons set forth in the Memorandum Opinion and Order filed contemporaneously with this Judgment Entry, IT IS HEREBY ORDERED, ADJUDGED and DECREED that:

Counts II, III, IV, IX, X, XI, XII and XIII of plaintiffs' Second Amended Complaint (Docket No. 74) are dismissed with prejudice.

IT IS FURTHER HEREBY ORDERED, ADJUDGED and DECREED that Sidney Rudick is dismissed without prejudice as a defendant in this case for failure to prosecute.

The Court acknowledges that both Count VIII of plaintiffs' Second Amended Complaint, and the counterclaim of defendants Fineline Properties, Fineline Holdings, Robert Petry and Robert Brauning (Docket No. 129), have been voluntarily withdrawn by the parties.

IT IS FURTHER HEREBY ORDERED, ADJUDGED and DECREED that plaintiffs' motion for summary judgment is granted as to defendant Reskin's counterclaim (Docket No. 126), which is dismissed with prejudice. Plaintiffs' motion for summary judgment as to Counts VI and VII is granted as to liability but denied as to damages.

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This case will proceed to trial as scheduled on damages only with respect to Counts VI and VII.

IT IS SO ORDERED.

September 23, 2008

Date

S/ David D. Dowd, Jr.

David D. Dowd, Jr.
U.S. District Judge